

Remarks

Applicants have amended the Abstract as requested by the Examiner.

The objection to FIG. 1 at Item 3 of the Office Action is respectfully traversed.

FIG. 1 represents a block diagram example of the computers for carrying out the present invention such as described in subsequent figures as set forth on page 5, line 5, to page 6, line 2, and thus FIG. 1 cannot represent prior art. Although FIG. 1 represents an upper-level diagram showing a known manner for connecting computers over a network, the fact that each computer shown in FIG. 1 is operative in a manner which Applicant's consider novel clearly does not make FIG. 1 a prior art illustration, especially where the specification teaches otherwise. Accordingly, withdrawal of the objection to the drawings is respectfully requested.

Claims 1-23 were rejected under 35 U.S.C. 103(a) as being obvious over International Patent Publication No. WO02/1003474 A2 (Bayer et al.) "Bayer" in view of U.S. Patent Publication No. 2002/0184364 A1 (Brebner). Bayer describes a system and method for conducting product configuration research over a network by respondents at their computers using a downloaded executable program, which when executed enables a respondent at his/her computer to configure a product. The program can have a timer to determine the elapsed time for the respondent to configure the product until a finished button is selected. Information can be sent to another computer system representing the configured product, the total price value, and the elapse time. Nothing in Bayer teaches or suggests displaying images for a short period of time, or displaying any question relating to such image so displayed. Measuring the elapsed time in a configuration exercise in which the respondent configures a product is not comparable to displaying any image for a short time interval.

To clarify the invention, rather than to overcome the rejection, Claim 1 is amended to describe the display, for user viewing, at least one of the downloaded images from the memory of the first computer system for a **pre-determined short interval of time**, and to display at least one question regarding that image displayed for the **pre-determined short interval of time**. Nowhere in Bayer is there any discussion, or even suggestion, of displaying any image for a pre-determined short interval of time. It is the Examiner's position on page 4, lines 1-3, of the Office Action dated January 8, 2007 that

at FIG. 2 step 20 of Bayer shows, for example, displaying images for a short interval of time, however, a review of Bayer on page 7 at lines 28-30, page 8, line 29 to page 9, line 18, and the more detailed discussion of FIG. 3 on pages 10+, does not support any display for a short interval of time, and especially not one that is pre-determined in duration. Moreover, one would not provide a short viewing interval of any screen during the selection process in the configuration of step 20 of Bayer (see for example screens of Bayer FIGS. 4-8) since this would unnecessarily frustrate a respondent's ability to make their selections. It cannot be obvious to modify a reference which makes it more difficult to use for its intended purpose.

Brebner describes tracking users access patterns to computer resources by locating tracer files stored in user computers associated with their visits to web pages that were downloaded. The tracer files are not described in Brebner as being displayed to the user to view downloaded images of such tracer files (see last sentence of paragraph 0039, and paragraph 0041 of Brebner). Rather, tracer files are stored in cache for monitoring users browsing habits (See Brebner Abstract). In other words, although tracer files may be downloaded in a single pixel of a web page at a user's browser, they are not described or suggested as being later displayed to the user. Accordingly, Brebner, like Bayer, fails to describe or suggest any display for user viewing of images downloaded for a pre-determined short interval of time, and further any question regarding the image so displayed. Thus, Claim 1 is patentable over Bayer and Brebner, either alone, or in combination. Claim 8 is also patentable over Bayer and Brebner for similar reasons, since neither describes, nor suggests, any display of images downloaded for a specified short interval of time or provides any question regarding the image so displayed.

It is well established that 35 U.S.C. 103(a) requires that there be a "teaching or suggestion to make the claimed invention combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure." citing In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991); see also In re Dow Chemical Co., 5 USPQ2d 1529, 1532 (Fed. Cir. 1988), In re Nomiya et al., 184 USPQ 607, 613 (CCPA 1975). There is no teaching or suggestion in Bayer or Brebner of the claimed invention. This is especially the case where Bayer and Brebner both teach away from the present invention in that their operation is unrelated to the display for user viewing of any

downloaded image for a pre-determined or specified short interval of time. Accordingly, for the above reasons, withdrawal of the rejection of Claims 1 and 8, and of their respective dependent claims, is respectfully requested.

In regards to Claims 2 and 9, nothing in Bayer or Brebner suggests the display of any image having a plurality of elements and any question or responses enabling one or more such elements to be recalled by a respondent. It is the Examiner's position that FIGS. 4-8 of Bayer describes such feature, however, such figures are related to selection of features/subfeatures of a product being configured, and has no relevance to recall of elements displayed for a short interval of time. Therefore, withdrawal of the rejection of Claims 2 and 9 is requested.

In regards to Claims 3 and 10, nothing in Bayer or Brebner suggests the display of any image having a plurality of elements and any question or responses enabling selection of the location of a target element in the displayed image. It is the Examiner's position that FIGS. 4-8 of Bayer describes such feature, however, such figures are related to selection of features/subfeatures of a product being configured, and has no relevance to selecting the location of a target element in an image displayed for a short interval of time. Withdrawal of the rejection of Claims 3 and 10 is further requested.

Claims 6 and 13 describe that the pixel area is a 1 by 1 pixel area displayed as part of text providing questions. Such is not described or suggested anywhere in Bayer or Brebner. The Examiner contends that FIGS. 3-4 and paragraph 0041 of Brebner describes pixel area displayed as part of a text of questions. It is respectfully submitted that the Examiner is mistaken. FIGS. 3-4 illustrate a website hierarchy, see paragraphs 0031-0032 of Brebner, which does not suggest that any pixel area displayed as part of a text of a set of questions, and paragraph 0041 makes no mention of text of questions. Thus, withdrawal of the rejection of Claims 6 and 13 is requested.

Claims 7 and 14 describe the short interval of time of displaying an image is at or less than one second. The Examiner contends "specified latencies/expiry periods" mentioned in Brebner's Abstract describes these claims. Such terms must be read in view of Brebner's specification which clearly does not support the Examiner's view. Applicants respectfully bring to the Examiner's attention Brebner's paragraphs 0041-0043 which describes "specified latencies" as to expiration of cached images to

determine how often a user visits. See for example paragraph 0043 which describes a table example of "GET patterns for day/week/month latency images" (underline added). This has nothing to do with how long an image is displayed to a user, but expiration from computer cache. Accordingly, Brebner, like Bayer, does not describe any short interval of time at or less than one second for displaying any downloaded image, and withdrawal of the rejection of Claims 7 and 14 is requested.

In regards to dependent Claims 15-17, the Examiner contends that FIGS. 1-2 of Bayer disclose the steps of such claims. However, Bayer FIGS. 1 and 2 cannot provide each and every element of such claims as required under 35 U.S.C. 103 (see MPEP 2143.03). For example, there is no suggestion in FIG. 2 of Bayer for displaying any image for a specified interval of time of Claim 15; selecting images for display for a specified period of time of Claim 16; or Claim 17 repeating the steps of sending instructions, displaying, and returning one or more selected responses with different ones of images downloaded into memory, survey directions, and question regarding the displayed image. Thus, Applicants request withdrawal of the rejection of Claims 15-17.


Claim 18, as amended, describes sending instructions defining a plurality of pages from a server computer system to a client computer system in which each of the pages requests from the server computer system a common series of image files. Neither Bayer, nor Brebner, describe a plurality of pages each having a common series of image files. Brebner may use tracer files on each of its web pages (paragraph 0041), but each of the pages would need a different set of tracer files, otherwise it would negate the goal of Brebner to monitor HTML page browsing of a website of a user by analysis of cached files as described at paragraphs 0042-0045 if the tracer files when downloaded from different web pages were all the same. Since Brebner does not describe, and even teaches away from using a common series of image files in each of a plurality of its web pages, Claim 18 cannot be obvious in view of Brebner combined with Bayer. Claims 20-21 are patentable over Bayer and Brebner for reasons argued with respect to Claim 1. Claim 22 is patentable over Bayer and Brebner for reasons argued with respect to Claims 7 and 14. Accordingly, withdrawal of the rejection of Claim 18 and of its dependent Claims 19-23 is thus requested.

New Claims 24-31 are added to the Application, and are believed patentable over Bayer and Brebner.

It is believed the Application is in condition for allowance, and a notice of allowance is respectfully requested. A check for \$800.00 is enclosed for the additional claim fee.

Respectfully submitted,

Dated: April 9, 2007

A handwritten signature in dark ink, appearing to read 'K. J. LuKacher', written over a horizontal line.

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Enclosure: Transmittal of Amendment with Certificate of First Class Mail with a check for \$800.00